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ATTORNEYS AT LAW

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7 Attorneys for Third-Party Defendant and Cross-Claimant,  
8 SCOTTSDALE INSURANCE COMPANY

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA

11 SIERRA BAY CONTRACTORS, INC., a  
California Corporation,  
12  
Plaintiff,  
13  
v.  
14  
WESTCHESTER SURPLUS LINES  
15 INSURANCE COMPANY, a Georgia corporation,  
and ROES 1 through 50, inclusive,  
16  
Defendants.

CASE NO. 3:10-CV-04611-RS

**STIPULATION AND ~~PROPOSED~~  
ORDER FOR DISMISSAL WITH  
PREJUDICE OF SCOTTSDALE  
INSURANCE COMPANY'S CROSS-  
CLAIM AGAINST GEMINI  
INSURANCE COMPANY**

18 WESTCHESTER SURPLUS LINES INSURANCE  
COMPANY, a Georgia Corporation,  
19  
Third-Party Plaintiff,  
20  
v.  
21  
ASPEN SPECIALTY INSURANCE COMPANY,  
22 a North Dakota Corporation; CONTINENTAL  
CASUALTY INSURANCE COMPANY, an  
23 Illinois Corporation; GEMINI INSURANCE  
COMPANY, a Delaware Corporation; GREAT  
24 AMERICAN ASSURANCE COMPANY, an Ohio  
Corporation; GREAT AMERICAN INSURANCE  
25 COMPANY, an Ohio Corporation; INTERSTATE  
FIRE AND CASUALTY COMPANY, an Illinois  
26 Corporation; LEXINGTON INSURANCE  
COMPANY, a Delaware Corporation; LIBERTY  
27 SURPLUS INSURANCE CORPORATION, a

1  
STIPULATION AND ~~PROPOSED~~ ORDER TO DISMISS GEMINI  
CASE NO. 3:10-CV-04611-RS

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New Hampshire Corporation; NIC INSURANCE COMPANY, a New York Corporation; OLD REPUBLIC GENERAL INSURANCE CORPORATION, an Illinois Corporation; TRANSCONTINENTAL INSURANCE COMPANY, an Illinois Corporation; SCOTTSDALE INSURANCE COMPANY, an Ohio Corporation; TRUCK INSURANCE EXCHANGE, a California Corporation; VIRGINIA SURETY COMPANY, an Illinois Corporation,

Third-Party Defendants.

SCOTTSDALE INSURANCE COMPANY, an Ohio Corporation,

Cross-Claimant,

v.

AMERICAN SAFETY INDEMNITY COMPANY an Oklahoma Corporation; NAVIGATORS SPECIALTY INSURANCE COMPANY, formally known as NIC Insurance Company, a New York Corporation; GEMINI INSURANCE COMPANY, a Delaware Corporation; LEXINGTON INSURANCE COMPANY, a Delaware Corporation; and ROES 1 through 20, inclusive,

Cross-Defendants.

Pursuant to Federal Rule of Civil Procedure 41, third-party defendant and cross-claimant Scottsdale Insurance Company ("Scottsdale"), and cross-defendant Gemini Insurance Company ("Gemini"), have agreed and hereby stipulate to the dismissal of Scottsdale's Cross-Claim against Gemini, with prejudice, subject to said parties' mutual waiver of costs.

**IT IS SO STIPULATED.**

Selman Breitman LLP  
ATTORNEYS AT LAW

1 DATED: December 20, 2012

SELMAN BREITMAN LLP

2  
3 By: 

Lisa M. Lampkin

4 Attorneys for Third-Party Defendant and Cross-  
5 Claimant Scottsdale Insurance Company

6 DATED: December , 2012

WOLKIN CURRAN, LLP

7  
8 By: \_\_\_\_\_

Amy K. Thomas

9 Attorneys for Cross-Defendant Gemini Insurance  
10 Company

11 **[PROPOSED] ORDER OF PARTIAL DISMISSAL**

12 Having reviewed the above stipulation, the Court orders that cross-defendant Gemini  
13 Insurance Company be dismissed, with prejudice, from Scottsdale Insurance Company's cross-  
14 claim, with each side to bear its own fees and costs.

15 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

16  
17 Dated: \_\_\_\_\_

United States District Court  
District of Northern California

Selman Breitman LLP  
ATTORNEYS AT LAW

1 DATED: December 20, 2012

SELMAN BREITMAN LLP

2  
3 By: \_\_\_\_\_

Lisa M. Lampkin

4 Attorneys for Third-Party Defendant and Cross-  
Claimant Scottsdale Insurance Company

5 DATED: December 21, 2012

WOLKIN CURRAN, LLP

6  
7 By: 

Amy K. Thomas

8 Attorneys for Cross-Defendant Gemini Insurance  
9 Company

10 **[PROPOSED] ORDER OF PARTIAL DISMISSAL**

11 Having reviewed the above stipulation, the Court orders that cross-defendant Gemini  
12 Insurance Company be dismissed, with prejudice, from Scottsdale Insurance Company's cross-  
13 claim, with each side to bear its own fees and costs.

14  
15 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

16  
17 Dated: 12/21/12 \_\_\_\_\_

  
United States District Court  
District of Northern California